



AP/ST

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Re: Appeal to the Board of Patent Appeals and Interferences

In re PATENT application of
RAVISHANKAR et al.

Application No. 09/820,884

Filed: March 30, 2001

Title: MESSAGING SYSTEM CONFIGURED FOR SELECTIVELY ACCESSING SUBSCRIBER SPOKEN NAME FROM A DIRECTORY SERVER BASED ON DETERMINED UNAVAILABILITY OF MESSAGING SERVER

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit: 2152

Examiner: LESNIEWSKI, Victor D

Docket : 95-461

Date: January 19, 2007

Sir:

- 1 **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from (not Advisory Action) dated September 21, 2005 of the Examiner rejecting claims 1-33. [] ATTACHED: Pre-Appeal Brief Request
- 2 **BRIEF** on appeal in this application attached.
- 3 An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer unextendable).
- 4 Reply Brief is attached (due two months after Examiner's Answer -- unextendable).

5. FEE CALCULATION:		Large/Small Entity	
If box 1 above is X'd, see box 12 below <u>first</u> and decide:		enter	\$500/250*
If box 2 above is X'd, see box 12 below <u>first</u> and decide:		enter	\$500/250* \$ 500.00
If box 3 above is X'd, see box 12 below <u>first</u> and decide:		enter	\$1000/500* \$
If box 4 above is X'd,		enter nothing	- 0 - (no fee)
6. Original due date: January 19, 2007			
7. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) (2mos) (3mos) (4mos)	\$120 \$450 \$1020 \$1590 +
8. Enter any previous extension fee paid [] previously since above original due date (item 6); [] with concurrently filed amendment		-	
9. Subtract line8 from line7 and enter: Total Extension Fee			+0
10. TOTAL FEE ATTACHED			= \$ 500.00

11. *Fee NOT required if/since paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits.

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order No. 50-1130 / 95-461 for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed

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Docket No.: 95-461

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of :
RAVISHANKAR et al. :
Serial No.: 09/820,884 : Group Art Unit: 2155
Filed: March 30, 2001 : Examiner: LESNIEWSKI, Victor D
For: MESSAGING SYSTEM CONFIGURED FOR SELECTIVELY ACCESSING
SUBSCRIBER SPOKEN NAME FROM A DIRECTORY SERVER BASED ON
DETERMINED UNAVAILABILITY OF MESSAGING SERVER

MAIL STOP: APPEAL BRIEF – PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This is an appeal from the final rejection of claims 1-21, 23-31, and 34-43 in the above-identified patent application.

01/23/2007 MAHMEDI 00000028 09820884

This Appeal Brief is submitted as required by 37 C.F.R. § 41.34(e)

500.00 OP

1. Real Party in Interest:

This application is assigned to Cisco Technology, Inc., the real party of interest.

2. Related Appeals and Interferences:

There are no other appeals or interferences known to Applicant that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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3. Status of Claims:

Claims 1-21, 23-31, and 34-43 are pending in this application. Claims 1-21, 23-31, and 34-43 stand rejected by the Examiner, and claims 1-21, 23-31, and 34-43 are appealed.

4. Status of any Amendment File Subsequent to Final Rejection:

No Amendment was filed in response to the Final Rejection. A Response to the Final Rejection was filed on September 18, 2006, and a second Response to the Final Rejection and the September 28, 2006 Advisory Action was filed on October 18, 2006.

5. Summary of Claimed Subject Matter:

The claimed subject matter includes independent claims 1, 12, 19, and 30 and dependent claims 2-11, 13-18, 20-21, 23-29, 31, and 34-43. Independent claims 1, 12, 19 and 30 each specify a server (14 of Fig. 1) configured for initiating a messaging session for an incoming call by accessing subscriber profile information (24 of Fig. 1) from a directory server (LDAP directory 22 of Fig. 1, 56 of Fig. 2) (page 7, lines 20-23; page 8, lines 4-7; page 9, lines 8-9). The server (14 of Fig. 1) attempts retrieval of a subscriber announcement (20 of Fig. 1) for the messaging session from a messaging server (IMAP server 16 of Fig. 1, 58, 60 of Fig. 2) based on the subscriber profile information (24 of Fig. 1) (page 9, lines 9-18), the subscriber announcement stored in the messaging server (16 of Fig. 1) as a first data file (20 of Fig. 1) having a first size (page 8, lines 15-16). If the server (14 of Fig. 1) determines the subscriber announcement for the messaging session is inaccessible (62 of Fig. 2) (page 9, lines 21-23) from the messaging server (16 of Fig. 1), the server retrieves (68, 70 of Fig. 2) (page 9, lines 24-28) from the directory server (22 of Fig. 1) an audible subscriber identifier (26 of Fig. 1), stored in the directory server as a second data file (26 of Fig. 1) having a second size substantially smaller than the first size (page 8, lines 13-20). The server plays for the messaging session an alternate subscriber announcement including the audible subscriber identifier (72 of Fig. 2) (page 9, line 28 to page 10, line 2).

The claimed subject matter addresses the problem of providing fault tolerant messaging

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services in the event that there is a server failure, especially in the case where a messaging server is relied upon for storage of personalized greetings to be used an announcement for an incoming call (page 3, line 20 to page 4, line 6). Hence, the claimed subject matter addresses the need for providing a fault tolerant greeting for an incoming caller, even if the messaging server that stores the prescribed audible greeting is unavailable (page 4, lines 4-15).

Hence, independent claim 1 specifies a method in a server (14 of Fig. 1) configured for initiating a messaging session for an incoming call by accessing subscriber profile information (24 of Fig. 1) from a directory server (LDAP directory 22 of Fig. 1, 56 of Fig. 2) (page 7, lines 20-23; page 8, lines 4-7; page 9, lines 8-9). The method includes: attempting retrieval of a subscriber announcement (20 of Fig. 1) for the messaging session from a messaging server (IMAP server 16 of Fig. 1; 58, 60 of Fig. 2) based on the subscriber profile information (page 9, lines 9-18), the subscriber announcement stored in the messaging server as a first data file having a first size (page 8, lines 15-16); determining an inaccessibility of the subscriber announcement (20 of Fig. 1) for the messaging session from the messaging server (16 of Fig. 1; 62 of Fig. 2) (page 9, lines 21-23); retrieving (68, 70 of Fig. 2) (page 9, lines 24-28) from the directory server (22 of Fig. 1) an audible subscriber identifier (26 of Fig. 1), stored in the directory server as a second data file (26 of Fig. 1) having a second size substantially smaller than the first size (page 8, lines 13-20), based on the determined inaccessibility of the subscriber announcement; and playing for the messaging session an alternate subscriber announcement including the audible subscriber identifier (72 of Fig. 2) (page 9, line 28 to page 10, line 2).

Claim 2 depends from claim 1, wherein the attempting retrieval step (58, 60 of Fig. 2) includes attempting access to the messaging server according to Internet Message Access Protocol (IMAP) (page 9, lines 9-18).

Claim 3 depends from claim 2, wherein the attempting access step includes attempting a login procedure with the messaging server according to IMAP (44 of Fig. 1; 60 of Fig. 2) (page 9, lines 17-18).

Claim 4 depends from claim 3, wherein the determining step includes determining a failure of the login procedure (62, 66 of Fig. 2; page 9, lines 21-23).

Claim 5 depends from claim 2, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP) (42 of Fig. 1; 68, 70 of Fig. 2.) (Page 9, lines 24-28).

Claim 6 depends from claim 5, wherein the audible subscriber identifier (26 of Fig. 1) corresponds to a spoken name of the subscriber (page 8, lines 16-18), the playing step (72 of Fig. 2) including playing a generic announcement and the audible subscriber identifier as the alternate subscriber announcement (page 9, line 28 to page 10, line 2).

Claim 7 depends from claim 5, wherein the second data file (26 of Fig. 1) is a .wav file (page 8, lines 13-15).

Claim 8 depends from claim 1, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP) (42 of Fig. 1; 68, 70 of Fig. 2.) (Page 9, lines 24-28).

Claim 9 depends from claim 1, and further comprises recording a message during the messaging session (80 of Fig. 2, page 10, line 2), storing (82 of Fig. 2, page 10, lines 2-6) the message in a delivery queue (46 of Fig. 1) for delivery to the messaging server (16 of Fig. 1).

Claim 10 depends from claim 9, further comprising periodically attempting delivery (84, 86 of Fig. 2) of the message stored in the delivery queue to the messaging server until one of a delivery acknowledgment is received, and a timeout error occurs (page 10, lines 3-7).

Claim 11 depends from claim 1, further comprising storing (52 of Fig. 2) in the directory server (22 of Fig. 1) the audible subscriber identifier (26 of Fig. 1), at a location (24 of Fig. 1) associated with the corresponding subscriber profile information, prior to the retrieving step (68, 70 of Fig. 2) (page 8, lines 18-20 and line 25 to page 9, line 2).

Claim 12 specifies a server (14 of Fig. 1) configured for initiating a messaging session for an incoming call. The server (14 of Fig. 1) comprises a first executable resource (IMAP API 44 of Fig. 1) configured for attempting access to a messaging server (16 of Fig. 1) according to a first open standard protocol (58, 60 of Fig. 2) (page 9, lines 9-18), the messaging server (16 of Fig. 1) storing a first file (20 of Fig. 1) having a first size and that includes a subscriber announcement for a messaging session (page 8, lines 13-16). The server (14 of Fig. 1) further

comprises a second executable resource (LDAP API 42 of Fig. 1) configured for accessing a directory server (22 of Fig. 1), according to a second open standard protocol, for subscriber profile information (24 of Fig. 1; 56 of Fig. 2) (page 7, lines 20-23; page 8, lines 4-7; page 9, lines 8-9). The server (14 of Fig. 1) further comprises a messaging application (40 of Fig. 1) configured for initiating a messaging session for an incoming call by retrieving the subscriber profile information (56 of Fig. 2) (page 7, line 27 to page 8, line 7) and attempting retrieval of the subscriber announcement based on the subscriber profile information (58, 60 of Fig. 2) (page 9, lines 6-18), the messaging application configured for playing for the messaging session an alternate subscriber announcement having an audible subscriber identifier (72 of Fig. 2) (page 9, line 28 to page 10, line 2), retrieved by the messaging application from the directory server (22 of Fig. 1) as a second data file (26 of Fig. 1) having a second size substantially smaller than the first size (page 8, lines 13-20, based on a determined inaccessibility of the subscriber announcement (62, 66, 68, 70 of Fig. 2) (page 9, lines 21-25).

Claim 13 depends from claim 12, wherein the first executable resource (44 of Fig. 1) is configured for attempting access to the messaging server according to Internet Message Access Protocol (IMAP) (58, 60 of Fig. 2) (page 9, lines 9-18).

Claim 14 depends from claim 13, wherein the first executable resource (44 of Fig. 1) is configured for attempting access to the messaging server by attempting a login procedure with the messaging server according to IMAP (60 of Fig. 2) (page 9, lines 17-18).

Claim 15 depends from claim 14, wherein the messaging application (40 of Fig. 1) determines the inaccessibility of the subscriber announcement based on notification from the first executable resource that the login procedure failed (62, 66 of Fig. 2; page 9, lines 21-23).

Claim 16 depends from claim 12, wherein the second executable resource (42 of Fig. 1) accesses the directory server (22 of Fig. 1) for retrieval of the second data file, according to Lightweight Directory Access Protocol (LDAP) (70 of Fig. 2), based on a retrieval request from the messaging application (68 of Fig. 2) (page 9, lines 24-28).

Claim 17 depends from claim 12, the server (14 of Fig. 1) further comprising: a delivery queue (46 of Fig. 1) for storage of a message recorded during the messaging session (80 of Fig.

2) (page 10, lines 2-6); and a delivery agent (48 of Fig. 1) configured for attempting delivery of the message stored in the delivery queue to the messaging server for a prescribed time interval until a prescribed timeout interval has elapsed (84, 86 of Fig. 2) (page 10, lines 3-7).

Claim 18 depends from claim 12, wherein the messaging application (40 of Fig. 1) is configured for recording the audible subscriber identifier (50 of Fig. 2) and generating the corresponding second data file (52 of Fig. 2) (page 8, line 25 to page 9, line 2), the second executable resource (42 of Fig. 1) configured for storing the second data file in the directory server, at a location associated with the corresponding subscriber profile information (24 of Fig. 1) (page 8, lines 25-28).

Claim 19 specifies a computer readable medium (40 of Fig. 1, page 8, lines 21-24) having stored thereon sequences of instructions for initiating a messaging session for an incoming call by accessing subscriber profile information (24 of Fig. 1) from a directory server (LDAP directory 22 of Fig. 1, 56 of Fig. 2) (page 7, lines 20-23; page 8, lines 4-7; page 9, lines 8-9). The sequences of instructions including instructions for performing the steps of attempting retrieval of a subscriber announcement (20 of Fig. 1) for the messaging session from a messaging server (IMAP server 16 of Fig. 1; 58, 60 of Fig. 2) based on the subscriber profile information (page 9, lines 9-18), the subscriber announcement stored in the messaging server as a first data file having a first size (page 8, lines 15-16); determining an inaccessibility of the subscriber announcement (20 of Fig. 1) for the messaging session from the messaging server (16 of Fig. 1; 62 of Fig. 2) (page 9, lines 21-23); retrieving (68, 70 of Fig. 2) (page 9, lines 24-28) from the directory server (22 of Fig. 1) an audible subscriber identifier (26 of Fig. 1), stored in the directory server as a second data file (26 of Fig. 1) having a second size substantially smaller than the first size (page 8, lines 13-20), based on the determined inaccessibility of the subscriber announcement; and playing for the messaging session an alternate subscriber announcement including the audible subscriber identifier (72 of Fig. 2) (page 9, line 28 to page 10, line 2).

Claim 20 depends from claim 19, wherein the attempting retrieval step (58, 60 of Fig. 2) includes attempting access to the messaging server according to Internet Message Access Protocol (IMAP) (page 9, lines 9-18).

Claim 21 depends from claim 20, wherein the attempting access step includes attempting a login procedure with the messaging server according to IMAP (44 of Fig. 1; 60 of Fig. 2) (page 9, lines 17-18).

Claim 22 was canceled.

Claim 23 depends from claim 20, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP) (42 of Fig. 1; 68, 70 of Fig. 2) (page 9, lines 24-28).

Claim 24 depends from claim 23, wherein the audible subscriber identifier (26 of Fig. 1) corresponds to a spoken name of the subscriber (page 8, lines 16-18), the playing step (72 of Fig. 2) including playing a generic announcement and the audible subscriber identifier as the alternate subscriber announcement (page 9, line 28 to page 10, line 2).

Claim 25 depends from claim 23, wherein the second data file (26 of Fig. 1) is a .wav file (page 8, lines 13-15).

Claim 26 depends from claim 19, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP) (42 of Fig. 1; 68, 70 of Fig. 2) (page 9, lines 24-28).

Claim 27 depends from claim 19, further comprising instructions for performing the steps of recording a message during the messaging session (80 of Fig. 2, page 10, line 2); and storing (82 of Fig. 2) (page 10, lines 2-6) the message in a delivery queue (46 of Fig. 1) for delivery to the messaging server (16 of Fig. 1).

Claim 28 depends from claim 27, further comprising instructions for performing the step of periodically attempting delivery (84, 86 of Fig. 2) of the message stored in the delivery queue to the messaging server until one of a delivery acknowledgment is received, and a timeout error occurs (page 10, lines 3-7).

Claim 29 depends from claim 19, further comprising instructions for performing the step of storing (52 of Fig. 2) in the directory server (22 of Fig. 1) the audible subscriber identifier (26 of Fig. 1), at a location (24 of Fig. 1) associated with the corresponding subscriber profile information, prior to the retrieving step (68, 70 of Fig. 2) (page 8, lines 18-20 and line 25 to page

9, line 2).

Claim 30 specifies a server configured for initiating a messaging session for an incoming call by accessing subscriber profile information from a directory server, the server comprising: means (44 of Fig. 1) for attempting retrieval of a subscriber announcement (20 of Fig. 1) for the messaging session from a messaging server (IMAP server 16 of Fig. 1, 58, 60 of Fig. 2) based on the subscriber profile information (24 of Fig. 1) (page 9, lines 9-18), the subscriber announcement stored in the messaging server (16 of Fig. 1) as a first data file (20 of Fig. 1) having a first size (page 8, lines 15-16); means for determining an inaccessibility (62, 66 of Fig. 2) (page 9, lines 21-23) of the subscriber announcement (20 of Fig. 1) for the messaging session from the messaging server (16 of Fig. 1); means (42 of Fig. 1) for retrieving (68, 70 of Fig. 2) (page 9, lines 24-28) from the directory server (22 of Fig. 1) an audible subscriber identifier (26 of Fig. 1), stored in the directory server as a second data file (26 of Fig. 1) having a second size substantially smaller than the first size (page 8, lines 13-20), based on the determined inaccessibility of the subscriber announcement; and means for playing (40 of Fig. 1) for the messaging session an alternate subscriber announcement including the audible subscriber identifier (72 of Fig. 2) (page 9, line 28 to page 10, line 2).

Claim 31 depends from claim 30, wherein the attempting retrieval means is configured for attempting access to the messaging server according to Internet Message Access Protocol (IMAP) (page 9, lines 9-18).

Claims 32 and 33 are cancelled.

Claim 34 depends from claim 31, wherein the retrieving means is configured for retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP) (42 of Fig. 1; 68, 70 of Fig. 2; page 9, lines 24-28).

Claim 35 depends from claim 34, wherein the audible subscriber identifier corresponds to a spoken name of the subscriber (page 8, lines 16-18), the playing means configured for playing a generic announcement and the audible subscriber identifier as the alternate subscriber announcement (72 of Fig. 2, page 9, line 28 to page 10, line 2).

Claim 36 depends from claim 34, wherein the second data file (26 of Fig. 1) is a .wav file

(page 8, lines 13-15).

Claim 37 depends from claim 30, wherein the retrieving means is configured for retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP) (42 of Fig. 1; 68, 70 of Fig. 2; page 9, lines 24-28).

Claim 38 depends from claim 30, further comprising means for recording a message during the messaging session (80 of Fig. 2, page 10, line 2); and means for storing (82 of Fig. 2, page 10, lines 2-6) the message in a delivery queue (46 of Fig. 1) for delivery to the messaging server (16 of Fig. 1).

Claim 39 depends from claim 38, further comprising means for periodically attempting delivery (84, 86 of Fig. 2) of the message stored in the delivery queue to the messaging server until one of a delivery acknowledgment is received, and a timeout error occurs (page 10, lines 3-7).

Claim 40 depends from claim 30, further comprising means for storing (52 of Fig. 2) in the directory server (22 of Fig. 1) the audible subscriber identifier (26 of Fig. 1), at a location (24 of Fig. 1) associated with the corresponding subscriber profile information (68, 70 of Fig. 2) (page 8, lines 18-20 and line 25 to page 9, line 2).

Claim 41 depends from claim 1, wherein each of the attempting retrieval, determining the inaccessibility of the subscriber announcement, retrieving the audible subscriber identifier, and playing the alternate subscriber announcement are performed by the server (14 of Fig. 1).

Claim 42 depends from claim 12, wherein the subscriber announcement (20 of Fig. 1) is stored in the messaging server (16 of Fig. 1), the messaging application configured for playing the alternate subscriber announcement based on the determined inaccessibility of the subscriber announcement from within the messaging server (62 of Fig. 2) (page 9, lines 21-23).

Claim 43 depends from claim 19, wherein each of the attempting retrieval, determining the inaccessibility of the subscriber announcement, retrieving the audible subscriber identifier, and playing the alternate subscriber announcement are performed by the server (14 of Fig. 1).

6. Grounds of Rejection to be Reviewed on Appeal:

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A. Whether claims 1, 12, 19, and 30 are unpatentable under 35 USC §103 in view of US Patent No. 6,631,181 to Bates et al., US Patent No. 6,545, 589 to Fuller and US Patent No. 6,504,915 to Kruesi et al.

7. Arguments:

A. **Claims 1, 12, 19, and 30 are not unpatentable under 35 USC §103 in view of Bates et al., Fuller, and Kruesi et al.**

The Examiner finally rejected independent claims 1, 12, 19, and 30 under 35 USC §103 in view Bates et al., Fuller, and Kruesi et al. Claims 1, 12, 19, and 30 are not rendered obvious by Bates et al., Fuller, and Kruesi et al. for the following reasons.

A1. **None of the Applied References Disclose or Suggest a Server Determining an *Inaccessibility* of a Subscriber Announcement that is *Stored* in a Messaging Server, As Claimed**

Each of the independent claims 1, 12, 19, and 30 specify a server (e.g., 14 of Fig. 1) attempting retrieval of a subscriber announcement from a *messaging* server (16 of Fig. 1), where the subscriber announcement is stored in the messaging server as a first data file having a first size. Each of the independent claims also specify retrieving an audible subscriber identifier, stored in the *directory* server, and playing for the messaging session an alternate subscriber announcement having the audible subscriber identifier, based on a determined *inaccessibility* of the stored subscriber announcement that is stored in the directory server.

Hence, each of the independent claims explicitly specify that: (1) the subscriber announcement is stored in the messaging server; (2) the audible subscriber identifier is stored in the directory server; and (3) the audible subscriber identifier is retrieved from the *directory server* based on the determined *inaccessibility* of the stored subscriber announcement from the *messaging server*, for playback of an *alternate* subscriber announcement including the audible

subscriber identifier. Hence, the audible subscriber identifier is played as part of an “*alternate* subscriber announcement”.

Claims 1, 12, and 30 also specify that the claimed *server* initiates the messaging session for the incoming call, retrieves the audible subscriber identifier is retrieved from the directory server based on the determined inaccessibility of the stored subscriber announcement from the messaging server, and plays for the messaging session the alternate subscribed announcement based on the determined inaccessibility of the subscriber announcement. Hence, the claimed *server* retrieves the audible subscriber identifier from a distinct server based on the inaccessibility of the subscriber announcement from another distinct server.

Hence, the claims address the problem of providing a fault-tolerant messaging system in the event that the *existing* subscriber announcement, *stored in the messaging server*, is inaccessible for a messaging session.¹

Bates et al.

1. Bates et al. Uses a Single Voice Messaging System

Bates et al does not disclose or suggest the claimed server attempting access from a separate messaging server, as claimed. Rather, Bates teaches a single voice messaging system, illustrated in Fig. 1 as VMS 10 having a processor 12, a nonvolatile memory 20 (storing subscriber profiles 24), and a disk memory 30 that stores all greeting announcements for a given subscriber (see col. 4, lines 12-30; Col. 4, line 66 to col. 5, line 1). The VMS 10 is connected to communications terminals 42a-42n via a switch 40 (col. 3, line 67 to col. 4, line 11). It also should be noted that other than col. 3, line 67 to col. 4, line 11, there is no description whatsoever of any other operation performed by the switching system 40. Hence, the switch 40 provides no

¹An evaluation of obviousness must be undertaken from the perspective of one of ordinary skill in the art addressing the same problems addressed by the applicant in arriving at the claimed invention. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve*, 23 USPQ 416, 420 (Fed. Cir. 1986), *cert. denied*, 484 US 823 (1987). Thus, the claimed structures and methods cannot be divorced from the problems addressed by the inventor and the benefits resulting from the claimed invention. *In re Newell*, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

other function other than to connect the terminals 42 to the VMS system.

Consequently, Bates et al. teaches that a single VMS 10 stores all necessary components (including subscriber profiles 12 and greetings 30), where all announcements are stored within the single VMS 10. Bates et al. simply provides a list of greeting announcements (see, e.g., Table 1 in col. 4) that can be used based on an association between caller ID data of an incoming call with one of the greeting announcements. In fact, all other teachings relied on by the Examiner (e.g., the subscriber profiles 24, the operations at col. 7, lines 8-18) are performed solely in the VMS 10, and not the switch 40, as asserted by the Examiner.

Hence, Bates et al. teaches away from the claimed *server* that: (1) *attempts retrieval* of a subscriber announcement for the messaging session *from a messaging server* based on the subscriber profile information (accessed from the directory server), (2) determines an “unavailability” of the subscriber announcement for the messaging session *from the messaging server* (as relevant to the overall hypothetical combination and the teachings of Krusei, discussed *infra*), or (3) *plays* for the messaging session an alternate subscriber announcement.²

2. Bates et al. Does Not Disclose or Suggest the Unavailability of a *Stored Message*

The Examiner’s rejection has repeatedly demonstrated an unreasonable interpretation of Bates et al. by asserting arguments that are based on unfounded assumptions, and which disregard explicit claim limitations. For example, Applicant traverses the Examiner’s assertion in para. 9 of the February 6, 2006 Office Action that “Bates states the ability of his system to retrieve a default message and play this message *when a first particular greeting is unavailable*”, because the Examiner’s assertion improperly assumes the existence of the “first particular greeting” for the calling party, and that the default message is retrieved when the first particular greeting is “unavailable”; the Examiner’s assertion also disregards the claim limitation

²“A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-124 (Rev. 5, Aug. 2006) (*citing W.L. Gore & Assoc. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984))(emphasis in original).

that the “unavailability” (amended to “inaccessibility) refers to that of a message that *exists*, namely “the subscriber announcement stored in the messaging server”.

In fact, Bates et al. teaches that a default greeting (Announcement number "5") is used for any instance where a positive association to one of the context-specific greetings has not been established (see, e.g., Table 1 and column 4, lines 53-55: "Announcement number "5" refers to a standard greeting announcement that is a default for unknown caller Ids."). Figure 2 of Bates et al. also describes selecting the default greeting *not* based on unavailability of a *stored* greeting, but rather based on whether one of the existing pre-recorded readings is designated for the incoming call based on the caller ID:

Block 66 depicts capturing caller ID data for the incoming call transmission. Next, block 68 illustrates *comparing the captured caller ID with the caller ID pre-recorded greeting designations for the subscriber*; and the process passes to block 70.

Block 70 depicts a determination as to *whether or not a pre-recorded greeting is designated for the caller ID by the subscriber. If a pre-recorded greeting is not designated for the caller ID* or a portion thereof, then the process passes to block 72. Block 72 illustrates playing a default greeting message according to the subscriber profile; and the process passes to block 76. *If a pre-recorded greeting is designated for the caller ID, then the process passes to block 74. Block 74 depicts playing the designated greeting according to the caller ID*; and the process passes to block 76.

(Column 7, lines 8-22).

Hence, Bates et al. does not teach using a default greeting “when a first particular greeting is unavailable” (implying the existence of the first particular greeting) as asserted by the Examiner, but use of a default greeting when the “first particular greeting” does not exist!

In contrast, each of the independent claims specify determining the inaccessibility of the existing stored subscriber announcement. Hence, Bates et al neither discloses nor suggests determining an inaccessibility (let alone “availability”) of the stored subscriber announcement, because Bates et al. assumes all stored announcements are available on the disk

memory 30.³

Fuller

Fuller et al. provides the same storage arrangement as Bates et al., where all subscriber announcements are stored on the same disk internal to the voice messaging system. Fuller illustrated in Fig. 7 that the greeting 704 is stored as part of a subscriber master record 700: “[t]he standard greeting type, 704, defines the courtesy greeting announcement which the subscriber has selected for the Telephone Control System 1 to use when first answering a call” (col. 20, lines 19-23). Moreover, Fuller illustrates the call processing facility (CPF) 100 in Fig. 5 that includes the call processor 435 for voice record and playback (col. 18, lines 7-12) and a disk 505, where all subscriber master records (including the greeting 704) are stored on the disk 505 (col. 20, lines 1-2). In fact, the disk 505 is used to store all computer programs used by the CPF 100 (col. 18, lines 52-56).

Further, Fuller does not disclose or suggest retrieving the default announcement based on the inaccessibility/unavailability of the stored subscriber announcement; rather, Fuller explicitly describes with respect to Figs. 7 and 12b that the standard greeting type 704 is retrieved in step 1236 of Fig. 12b from the subscriber master record of Fig. 7: the standard greeting type 704 of Fig. 7 “defines the courtesy greeting announcement which the **subscriber has selected** for the Telephone Control System 1 to use when first answering a call” (col. 20, lines 19-23). The call processing facility 100 determines from the standard greeting type 704 whether the retrieved greeting is a “stock” greeting (step 1237), a “drop in” greeting (step 1240), or a “personalized” greeting (step 1245) (col. 25, lines 54-56 and 59-65 and col. 26, lines 6-12).

³ Also note that Bates et al. teaches that all of the greetings (including the default greeting) utilized by a subscriber are stored in the same disk memory 30 of Figure 1 (column 4, lines 21-30). Consequently, if for some reason (e.g., a failure of the disk memory 30) the disk memory 30 was no longer available, than the system of the primary reference with **no longer be able to present any greeting to for an incoming call**. This potential problem is *precisely* the problem that is addressed by the inventors, namely that a messaging server that is rendered inoperable (see page 4, lines 2-15 of the specification).

Hence, the type of greeting to use in Fuller et al. is *selected by the user* as specified by the standard greeting type 704, and not based on any determined unavailability or inaccessibility of any stored data.

Moreover, Fuller et al. explicitly teaches that **both** the “drop in” greeting (step 1240) and the “personalized” greeting (step 1245) are retrieved from the same source, namely disk 505 in the call processing facility 100 of Fig. 5, because all subscriber master records are stored on the disk 505 (col. 20, lines 1-2; col. 25, lines 62-65; col. 26, lines 6-12). Hence, Fuller et al. provides the same storage arrangement as Bates et al., where all subscriber announcements are stored on the same disk internal to the voice messaging system (10 of Bates et al., 100 of Fuller et al.).

Kruesi et al.

As admitted in the February 6, 2006 Official Action on page 3 (paragraph 10), “Bates and Fuller did not explicitly disclose determining an inaccessibility of the subscriber announcement.” The Official Action then argues that Kruesi et al. teaches “determining an inaccessibility of data stored on a network server”.

However, the Examiner’s own statements, and the explicit teachings of the reference, refute the Examiner’s assertion that Kruesi et al. teaches “determining an inaccessibility of the subscriber announcement”.

Specifically, the Examiner contradicts himself by stating on page 4 that “Kruesi ... determines an inaccessibility [sic] of a voice file at a certain node, in which case an *alternate node* is used to *access a file*. ” Hence, the Examiner at first asserts a voice file is “inaccessible”, but in the same sentence asserts the file is accessible because another node is used to access the file.

As demonstrated below, this logical contradiction is necessitated by a tortured interpretation of Kruesi et al. by the Examiner and a deliberate disregard of the claim limitation that “the subscriber announcement [is] stored in the messaging server”, and that the claimed “inaccessibility” is “of the subscriber announcement for the messaging session *from the*

messaging server.”

The Examiner relies on Fig. 5B and col. 9, line 52 through col. 10, line 6 for the teaching of “determining an inaccessibility of the subscriber announcement for the messaging session from the messaging server.” However, Figs. 5A, 5B, and 5C actually disclose that multiple nodes are granted access to voice files, with only the type of access (read/write access vs. read-only access) being changed based on one of the accessing nodes having encountered a failure:

The overall operation of the inventive shared disk, or shared voice file, architecture will now be summarized with reference to FIGS. 5A-5C. In the "normal mode" (FIG. 5A), *each node has read/write access to one voice file and read-only access to another voice file.* Thus, Node 1 has read/write access to voice file 1 and read-only access to voice file 2. Similarly, Node 2 has read/write access to voice file 2 and read-only access to voice file 1. In addition, each node may request that the other node delete certain specified messages from the voice file the other node has write access to.

In a "failure mode" (FIG. 5B), it is assumed that one of the nodes, say, Node 1, has failed and cannot read or write messages. In this case, the other node, Node 2, is given read/write access to voice file 1. In the "post-failure mode" (FIG. 5C), the failed node, Node 1, has recovered yet the other node, Node 2, maintains temporary read/write access to voice file 1. The nodes can continue to operate this way until the system administrator determines that "normal mode" should be reinstated. For example, the administrator may want to ensure that Node 1 is stable before giving it read/write access.

(Col. 9, line 52 to col. 10, line 6).

Hence, Kruesi et al. does not teach or suggest that the voice file 1 is ever inaccessible, but rather that the voice file 1 remains *accessible* and that the Node 1 has failed and cannot read or write messages. Hence, Kruesi et al. assumes that the voice file 1 is always accessible, and simply grants Node 2 read/write access based on the failure of Node 1 to read voice file 1.

Hence, Kruesi et al. neither discloses nor suggests the claimed “*inaccessibility* of the subscriber announcement for the messaging session *from the messaging server*”, but rather that the voice file 1 is always accessible.

Hence, neither Bates, Fuller, nor Kruesi disclose or suggest the claimed *server* “determining an inaccessibility of the subscriber announcement for the messaging session *from*

the messaging server", where the subscriber announcement is "stored in the messaging server".

A2. The Rejection Fails to Demonstrate One of Ordinary Skill In the Art Would Have Been Motivated to Combine the Teachings of Bates, Fuller and Kruesi

An obviousness rejection requires a specific showing as to why one of ordinary skill in the art would have selected the components for combination in the manner claimed.⁴ "The examiner's conclusory statements ... do not adequately address the issue of motivation to combine. This factual question of motivation is material to patentability, and [cannot] be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to '[use] that which the inventor taught against its teacher.'" *In re Lee*, 61 USPQ2d at 1434 (*quoting W.L. Gore v. Garlock, Inc.*, 202 USPQ 303, 312-13 (Fed. Cir. 1983)).

The Examiner has failed to establish that one skilled in the art would have been motivated to combine Bates, Fuller, and Kruesi for combination in the manner claimed.

For example, the Examiner asserts on page 4 of the February 6, 2006 Office Action that the hypothetical combination "satisfies the need for improved *file availability* in a messaging system. See Kruesi, column 3, lines 1-11". However, col. 3, lines 1-11 specifically describe "**system 'availability'**" by providing "multiple redundant messaging nodes in order to achieve

⁴*Cf. In re Lee*, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (*quoting In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed")); *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) ("even when the level of skill in the art is high, the Board must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the Board must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious."); *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (the examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art that would lead that individual to combine the relevant teachings of the references").

high availability ... that would continue to provide access to messages stored in one disk file (say, voice file 12a) even when its corresponding host (server/NAP 10a) is inoperative."

Hence, Kruesi et al. relies on the actual voice file 12a is always accessible, and that an alternate server is used to *retrieve* the voice file 12a from the same stored location. Hence, Kruesi et al. neither discloses nor suggests the claimed "determining an inaccessibility of the subscriber announcement ... *from the messaging server*" as asserted by the Examiner.

Moreover, Kruesi et al. neither discloses nor suggests the claimed server that retrieves second data ("the audible subscriber identifier") from a second server ("directory server") based on the determined inaccessibility of first data ("the subscriber announcement") from a first server ("messaging server"). Rather, Kruesi et al. uses different servers to access the same data from the same storage location.

Hence, the Examiner has failed to establish a prima facie case of obviousness.

A3. The Hypothetical Combination of the Applied References Does not Disclose or Suggest Retrieving an Alternate Subscriber Announcement, as Claimed

The Examiner has failed to address the *fundamental claimed feature* that distinguishes the claimed subject matter over the hypothetical combination, namely that the hypothetical combination of Bates, Fuller and Kruesi store data on a single disc, i.e., at the same storage location, whereas each of the independent claims 1, 12, 19 and 30 explicitly specify a server (1) attempting retrieval of a subscriber announcement *stored in a messaging server*, (2) determining an inaccessibility of the subscriber announcement for the messaging session from the messaging server, and retrieving *from a directory server* an audible subscriber identifier that is stored in the directory server for use during the messaging session as an alternate subscriber announcement.

As demonstrated below, the rejection fails to establish a prima facie case of obviousness because the hypothetical combination of Bates, Fuller and Kruesi teaches no more than storage of data on a single disc, and neither discloses nor suggests storing the subscriber announcement and the audible subscriber identifier on *distinct devices* (the messaging server and directory server),

as claimed.

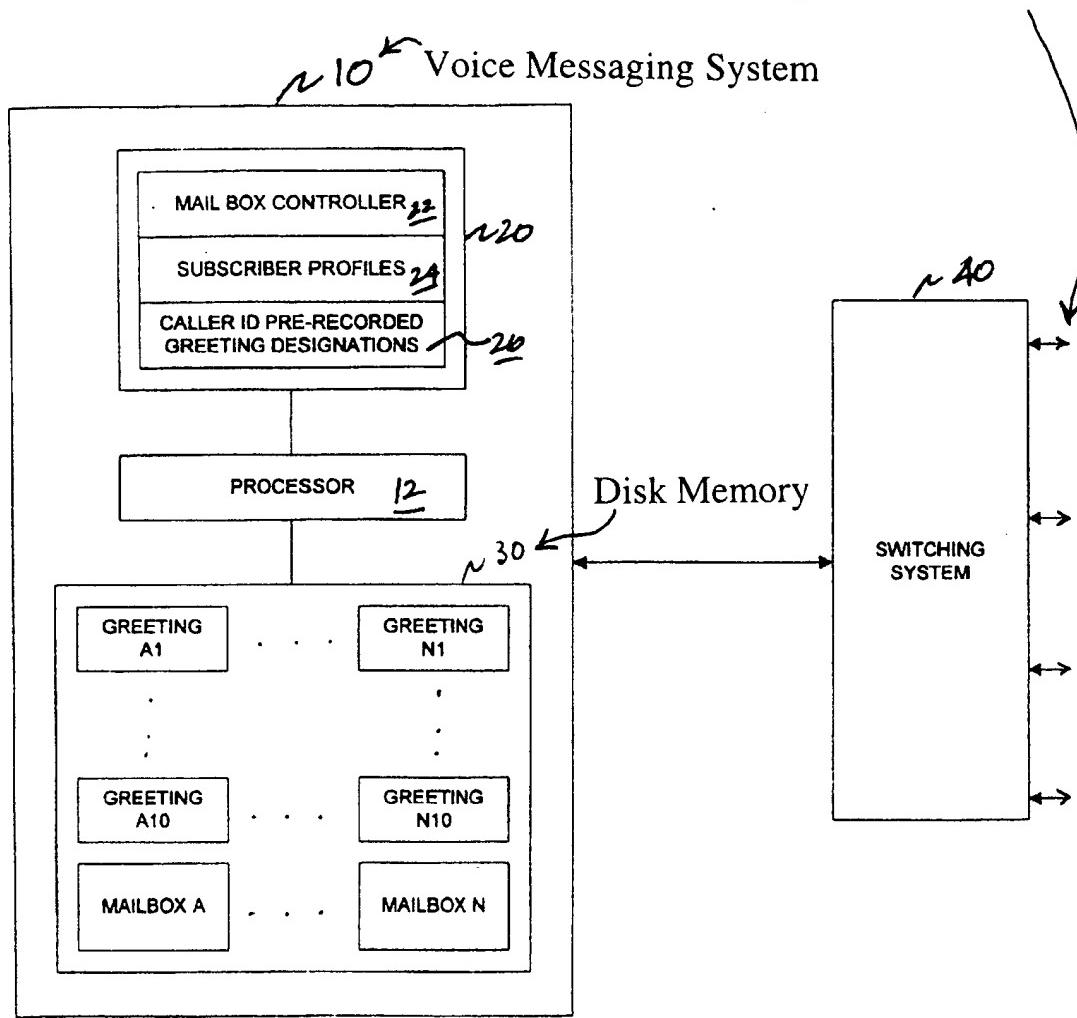
A review of each reference in its entirety demonstrates that the hypothetical combination consistently teaches storing all subscriber announcements on a single disc, and not on distinct devices, as claimed.⁵

Bates et al

Bates teaches a single voice messaging system (VMS) 10 having a processor 12, a nonvolatile memory 20 (storing subscriber profiles 24), and a disk memory 30 that stores all greeting announcements for a given subscriber (see col. 4, lines 12-30; Col. 4, line 66 to col. 5, line 1). For convenience an annotated version of Figure 1 of Bates is reproduced below as Figure A (originally submitted in the October 18, 2006 Response After Final).

⁵“A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-132 (Rev. 3, Aug. 2005) (*citing W.L. Gore & Assoc. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984))(emphasis in original).

Figure A: Bates Fig. 1 (switching terminals omitted)



Hence, Bates et al. teaches that a single VMS 10 stores all necessary components (including subscriber profiles 24 and greetings A1-A10), where all announcements are stored in the disk memory 30 within the single VMS 10. Bates et al. provides a list of greeting announcements (see, e.g., Table 1 in col. 4) that can be used based on an association between caller ID data of an incoming call with one of the greeting announcements.

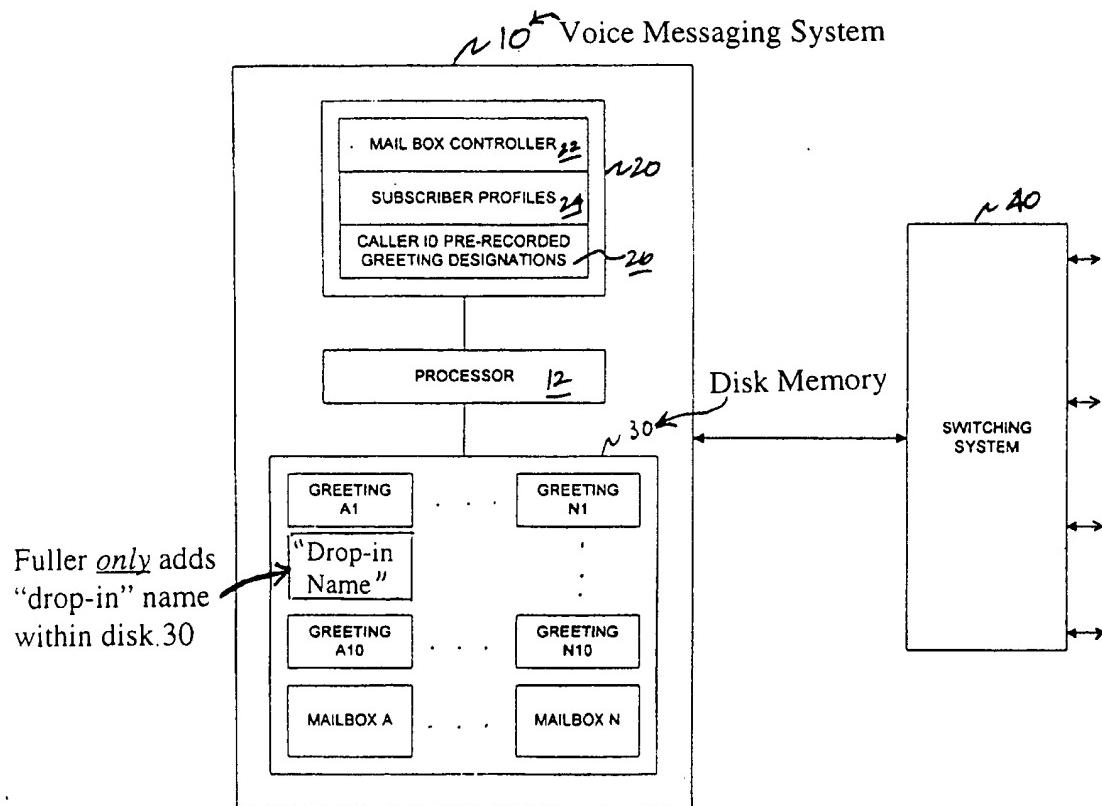
Bates et al. also teaches that a default greeting (Announcement number "5") is used for any instance where a positive association to one of the context-specific greetings *has not been*

established (see, e.g., Table 1 and column 4, lines 53-55: "Announcement number "5" refers to a standard greeting announcement that is a default for unknown caller Ids.").

Fuller

Fuller teaches that all data is stored on a single disk; hence, assuming one having ordinary skill in the art would have been motivated to modify Bates using Fuller as asserted, the resulting hypothetical modification would still disclose no more than the "drop-in" greeting of Fuller being stored within the same disk 30 of Bates as the remaining subscriber announcements, as illustrated below in Figure B (originally submitted in the October 18, 2006 Response After Final).

Figure B: Bates modified by Fuller



Fuller teaches that a single disc 505 (Figure 5) within the call processing facility 100 stores all call processing programs and data, including all software programs and data to be used by the call processing facility 100 (col. 18, lines 52-56), the subscriber master records 700 of Figure 7 (column 19, line 62 to column 20, line 2; step 902 of Figure 9, column 21, line 67 to column 22, line 2), the personalized greeting (step 1246 of Figure 12b, column 26, lines 6-12), and the "drop-in" name (step one 1241 of Figure 12b, column 25, line 63 to column 26, line 2).

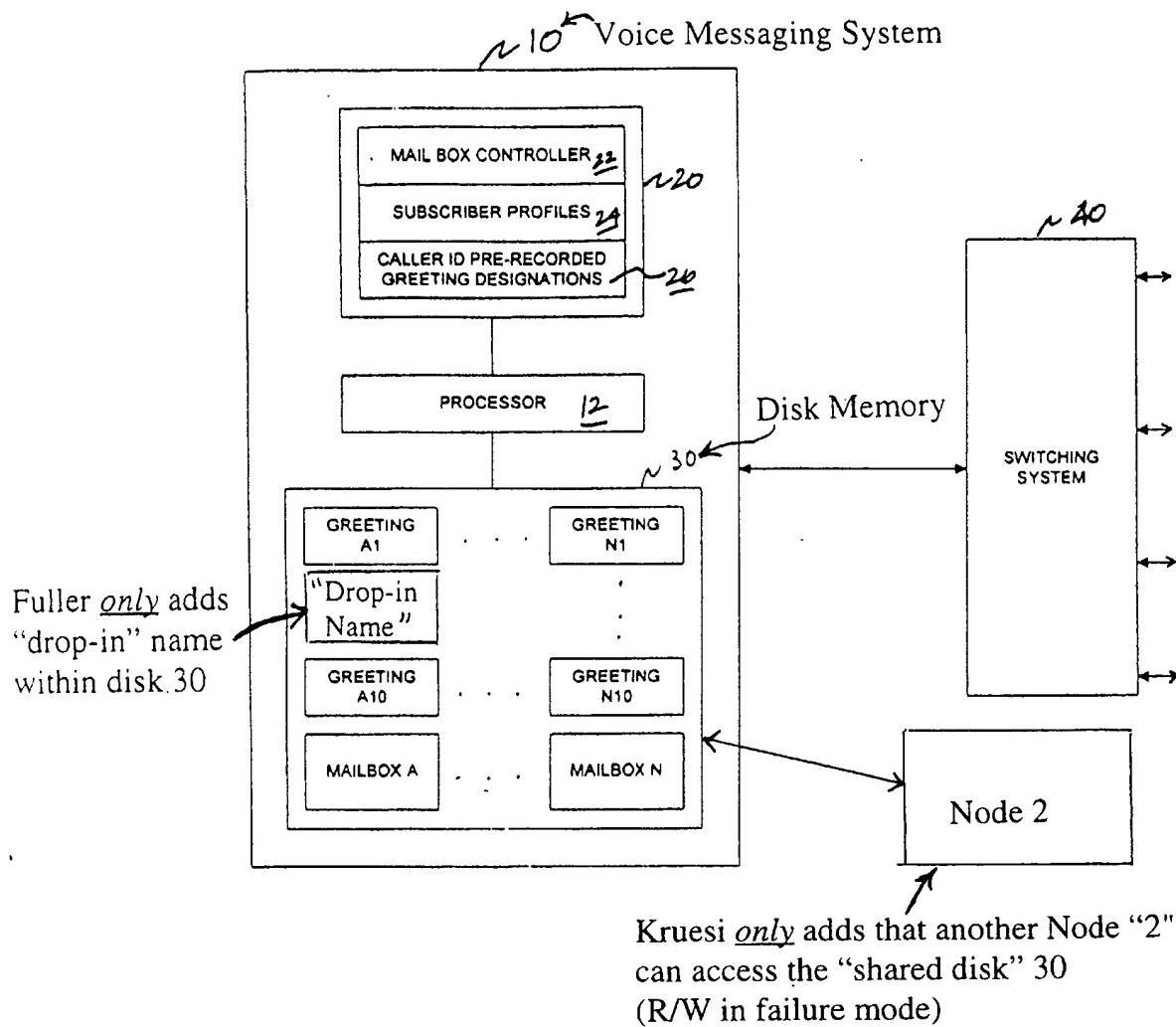
Hence, both Bates and Fuller teach that all data be stored on the same disc, resulting in the modification illustrated above in Figure B.

Kruesi et al

The Examiner fails to dispute Applicant's assertions as to the teachings Kruesi et al. as argued on page 9 of the Response After Final filed September 18, 2006 and on pages 11-12 of the Amendment filed May 8, 2006 , and as such concedes that Kruesi et al. uses different servers to access the same data from the same storage location by asserting in para. 16 on page 5 of the Final Action that "Kruesi's system clearly determines an inaccessibility of a voice file at a certain node."

Kruesi et al. assumes that the voice file 1 is always accessible, and focuses on system availability of a server by granting Node 2 read/write access based on the failure of Node 1 to read voice file 1 (see, e.g., col. 3, lines 1-12 and col. 9, line 52 to col. 10, line 6). Hence, assuming one having ordinary skill in the art would have been motivated to modify Bates and Fuller as asserted with Kruesi et al as asserted, the resulting hypothetical modification would still disclose no more than all greetings stored within the same disk 30 of Bates: Kruesi et al. simply would permit another Node 2 to access the files stored on the single disk 30, as illustrated in Figure C below (originally submitted in the October 18, 2006 Response After Final).

Figure C: Bates modified by Fuller and Kruesi



Hence, the hypothetical combination of Bates, Fuller and Kruesi teach that all subscriber data (including subscriber announcements) are stored on a single disk.

As apparent from the foregoing, the hypothetical combination neither discloses nor suggests the claimed server (e.g., 14 of Fig. 1 of subject application) attempting retrieval of a subscriber announcement (e.g., 20 of Fig. 1) *from a messaging server* (e.g., 16 of Fig. 1), and in response to a determined inaccessibility of the subscriber announcement from the messaging server, retrieving *from the directory server* (e.g., 22 of Fig. 1) an audible subscriber identifier (26

of Fig. 1) that is played as part of an alternate subscriber announcement.

Hence, the Examiner has failed to address *the fundamental claimed feature* that the subscriber announcement and the audible subscriber identifier are stored on *distinct devices*, namely the messaging server (storing the subscriber announcement) and the directory server (storing the audible subscriber identifier). Moreover, the Examiner's arguments of obviousness are without foundation: as demonstrated above, none of the applied references, singly or in combination, disclose or suggest retrieving an audible subscriber identifier *from a directory server* based on determining an inaccessibility of the subscriber announcement *from the messaging server*. Further, the Examiner has failed to establish that one skilled in the art would have preferred to create some hypothetical embodiment other than the one illustrated in Figure C supra. Hence, the Examiner's assertions of obviousness are ill-founded, and insufficient to establish a *prima facie* case of obviousness.⁶ Consequently, the rejection fails to establish that the hypothetical combination teaches each and every claim limitation, as required under §103.

For these and other reasons, the §103 rejection should be reversed.

Conclusion

For the reasons set forth above, it is clear that Appellant's claims 1-38 are patentable over the references applied. Accordingly the appealed claims 1-38 should be deemed patentable over the applied references. It is respectfully requested that this appeal be granted and that the Examiner's rejections be reversed.

⁶“The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990).

To the extent necessary, Appellant petitions for an extension of time under 37 C.F.R. 1.136 and 37 C.F.R. 41.37(e). Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a) or 41.20(b)(2), to Deposit Account No. 50-1130, under Order No. 95-461, and please credit any excess fees to such deposit account.

Respectfully submitted,



Leon R. Turkevich
Registration No. 34,035

Customer No. 23164
January 19, 2007

8. Claims Appendix

1. (PREVIOUSLY PRESENTED) A method in a server configured for initiating a messaging session for an incoming call by accessing subscriber profile information from a directory server, the method comprising:

attempting retrieval of a subscriber announcement for the messaging session from a messaging server based on the subscriber profile information, the subscriber announcement stored in the messaging server as a first data file having a first size;

determining an inaccessibility of the subscriber announcement for the messaging session from the messaging server;

retrieving from the directory server an audible subscriber identifier, stored in the directory server as a second data file having a second size substantially smaller than the first size, based on the determined inaccessibility of the subscriber announcement; and

playing for the messaging session an alternate subscriber announcement including the audible subscriber identifier.

2. (ORIGINAL) The method of claim 1, wherein the attempting retrieval step includes attempting access to the messaging server according to Internet Message Access Protocol (IMAP).

3. (ORIGINAL) The method of claim 2, wherein the attempting access step includes attempting a login procedure with the messaging server according to IMAP.

4. (ORIGINAL) The method of claim 3, wherein the determining step includes determining a failure of the login procedure.

5. (ORIGINAL) The method of claim 2, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP).

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6. (PREVIOUSLY PRESENTED) The method of claim 5, wherein the audible subscriber identifier corresponds to a spoken name of the subscriber, the playing step including playing a generic announcement and the audible subscriber identifier as the alternate subscriber announcement.

7. (ORIGINAL) The method of claim 5, wherein the second data file is a .wav file.

8. (ORIGINAL) The method of claim 1, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP).

9. (ORIGINAL) The method of claim 1, further comprising:
recording a message during the messaging session; and
storing the message in a delivery queue for delivery to the messaging server.

10. (ORIGINAL) The method of claim 9, further comprising periodically attempting delivery of the message stored in the delivery queue to the messaging server until one of a delivery acknowledgment is received, and a timeout error occurs.

11. (ORIGINAL) The method of claim 1, further comprising storing in the directory server the audible subscriber identifier, at a location associated with the corresponding subscriber profile information, prior to the retrieving step.

12. (PREVIOUSLY PRESENTED) A server configured for initiating a messaging session for an incoming call, the server comprising:

a first executable resource configured for attempting access to a messaging server according to a first open standard protocol, the messaging server storing a first file having a first size and that includes a subscriber announcement for a messaging session;

a second executable resource configured for accessing a directory server, according to a second open standard protocol, for subscriber profile information; and

a messaging application configured for initiating a messaging session for an incoming call by retrieving the subscriber profile information and attempting retrieval of the subscriber announcement based on the subscriber profile information, the messaging application configured for playing for the messaging session an alternate subscriber announcement having an audible subscriber identifier, retrieved by the messaging application from the directory server as a second data file having a second size substantially smaller than the first size, based on a determined inaccessibility of the subscriber announcement.

13. (ORIGINAL) The server of claim 12, wherein the first executable resource is configured for attempting access to the messaging server according to Internet Message Access Protocol (IMAP).

14. (ORIGINAL) The server of claim 13, wherein the first executable resource is configured for attempting access to the messaging server by attempting a login procedure with the messaging server according to IMAP.

15. (PREVIOUSLY PRESENTED) The server of claim 14, wherein the messaging application determines the inaccessibility of the subscriber announcement based on notification from the first executable resource that the login procedure failed.

16. (ORIGINAL) The server of claim 12, wherein the second executable resource accesses the directory server for retrieval of the second data file, according to Lightweight Directory Access Protocol (LDAP), based on a retrieval request from the messaging application.

17. (ORIGINAL) The server of claim 12, further comprising:
a delivery queue for storage of a message recorded during the messaging session; and

a delivery agent configured for attempting delivery of the message stored in the delivery queue to the messaging server for a prescribed time interval until a prescribed timeout interval has elapsed.

18. (ORIGINAL) The server of claim 12, wherein the messaging application is configured for recording the audible subscriber identifier and generating the corresponding second data file, the second executable resource configured for storing the second data file in the directory server, at a location associated with the corresponding subscriber profile information.

19. (PREVIOUSLY PRESENTED) A computer readable medium having stored thereon sequences of instructions for initiating a messaging session for an incoming call by accessing subscriber profile information from a directory server, the sequences of instructions including instructions for performing the steps of:

attempting retrieval of a subscriber announcement for the messaging session from a messaging server based on the subscriber profile information, the subscriber announcement stored in the messaging server as a first data file having a first size;

determining an inaccessibility of the subscriber announcement for the messaging session from the messaging server;

retrieving from the directory server an audible subscriber identifier, stored in the directory server as a second data file having a second size substantially smaller than the first size, based on the determined inaccessibility of the subscriber announcement; and

playing for the messaging session an alternate subscriber announcement including the audible subscriber identifier.

20. (ORIGINAL) The medium of claim 19, wherein the attempting retrieval step includes attempting access to the messaging server according to Internet Message Access Protocol (IMAP).

21. (ORIGINAL) The medium of claim 20, wherein the attempting access step includes attempting a login procedure with the messaging server according to IMAP.

22. (CANCELED).

23. (ORIGINAL) The medium of claim 20, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP).

24. (PREVIOUSLY PRESENTED) The medium of claim 23, wherein the audible subscriber identifier corresponds to a spoken name of the subscriber, the playing step including playing a generic announcement and the audible subscriber identifier as the alternate subscriber announcement.

25. (ORIGINAL) The medium of claim 23, wherein the second data file is a .wav file.

26. (ORIGINAL) The medium of claim 19, wherein the retrieving step includes retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP).

27. (ORIGINAL) The medium of claim 19, further comprising instructions for performing the steps of:

recording a message during the messaging session; and
 storing the message in a delivery queue for delivery to the messaging server.

28. (ORIGINAL) The medium of claim 27, further comprising instructions for performing the step of periodically attempting delivery of the message stored in the delivery queue to the messaging server until one of a delivery acknowledgment is received, and a timeout

error occurs.

29. (ORIGINAL) The medium of claim 19, further comprising instructions for performing the step of storing in the directory server the audible subscriber identifier, at a location associated with the corresponding subscriber profile information, prior to the retrieving step.

30. (PREVIOUSLY PRESENTED) A server configured for initiating a messaging session for an incoming call by accessing subscriber profile information from a directory server, the server comprising:

means for attempting retrieval of a subscriber announcement for the messaging session from a messaging server based on the subscriber profile information, the subscriber announcement stored in the messaging server as a first data file having a first size;

means for determining an inaccessibility of the subscriber announcement for the messaging session from the messaging server;

means for retrieving from the directory server an audible subscriber identifier, stored in the directory server as a second data file having a second size substantially smaller than the first size, based on the determined inaccessibility of the subscriber announcement; and

means for playing for the messaging session an alternate subscriber announcement including the audible subscriber identifier.

31. (ORIGINAL) The server of claim 30, wherein the attempting retrieval means is configured for attempting access to the messaging server according to Internet Message Access Protocol (IMAP).

32. (CANCELED).

33. (CANCELED).

34. (ORIGINAL) The server of claim 31, wherein the retrieving means is configured for retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP).

35. (PREVIOUSLY PRESENTED) The server of claim 34, wherein the audible subscriber identifier corresponds to a spoken name of the subscriber, the playing means configured for playing a generic announcement and the audible subscriber identifier as the alternate subscriber announcement.

36. (ORIGINAL) The server of claim 34, wherein the second data file is a .wav file.

37. (ORIGINAL) The server of claim 30, wherein the retrieving means is configured for retrieving the audible subscriber identifier from the directory server according to Lightweight Directory Access Protocol (LDAP).

38. (ORIGINAL) The server of claim 30, further comprising:
means for recording a message during the messaging session; and
means for storing the message in a delivery queue for delivery to the messaging server.

39. (ORIGINAL) The server of claim 38, further comprising means for periodically attempting delivery of the message stored in the delivery queue to the messaging server until one of a delivery acknowledgment is received, and a timeout error occurs.

40. (ORIGINAL) The server of claim 30, further comprising means for storing in the directory server the audible subscriber identifier, at a location associated with the corresponding subscriber profile information.

41. (PREVIOUSLY PRESENTED) The method of claim 1, wherein each of the

attempting retrieval, determining the inaccessibility of the subscriber announcement, retrieving the audible subscriber identifier, and playing the alternate subscriber announcement are performed by the server.

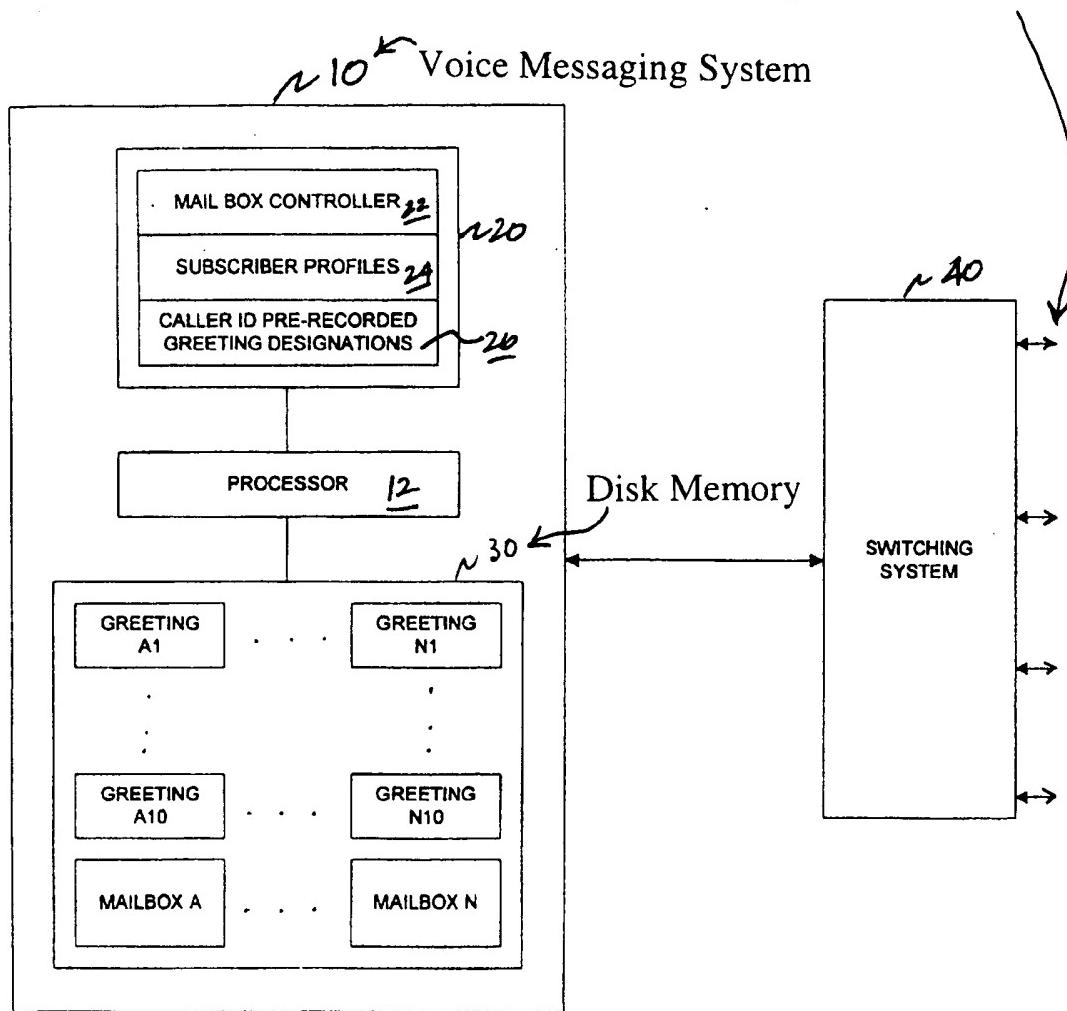
42. (PREVIOUSLY PRESENTED) The server of claim 12, wherein the subscriber announcement is stored in the messaging server, the messaging application configured for playing the alternate subscriber announcement based on the determined inaccessibility of the subscriber announcement from within the messaging server.

43. (PREVIOUSLY PRESENTED) The medium of claim 19, wherein each of the attempting retrieval, determining the inaccessibility of the subscriber announcement, retrieving the audible subscriber identifier, and playing the alternate subscriber announcement are performed by the server.

9. Evidence Appendix

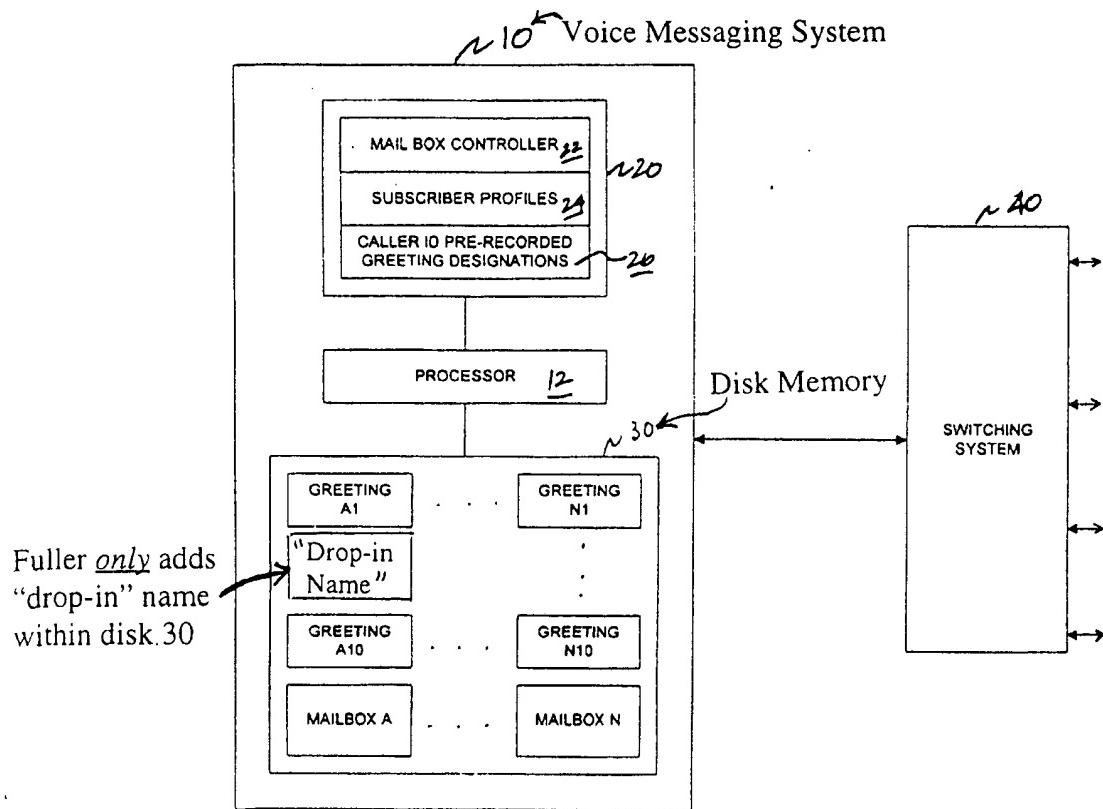
Attached: Figs. A, B, and C from the October 18, 2006 Response After Final:

Figure A: Bates Fig. 1 (switching terminals omitted)



Evidence Appendix, cont.

Figure B: Bates modified by Fuller



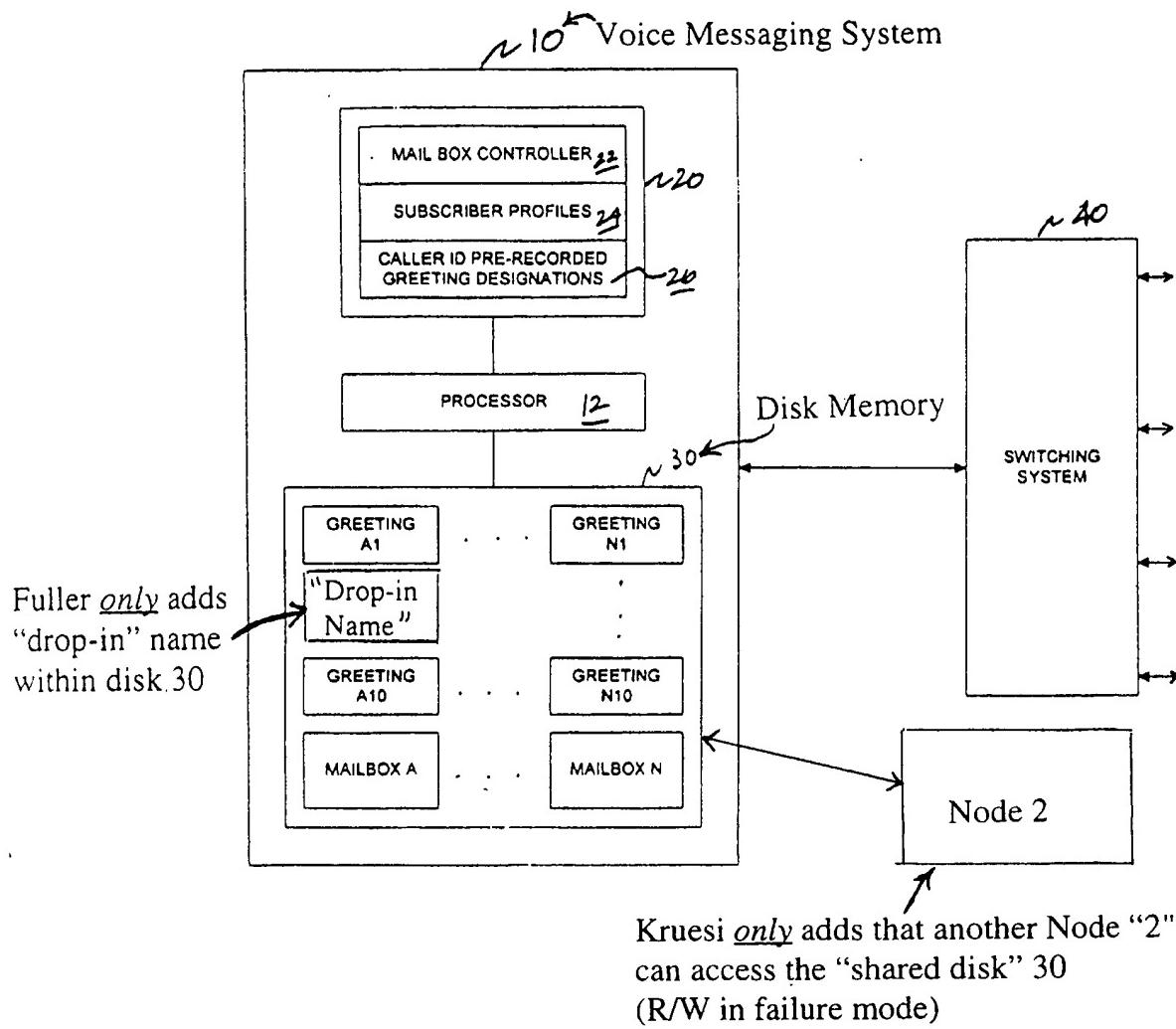
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Evidence Appendix, cont.

Figure C: Bates modified by Fuller and Kruesi



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10. Related Proceedings Appendix

[No Related Proceedings]

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